

FILED

AUG 04 2014

CLERK, U.S. DISTRICT COURT
BY *[Signature]*

DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Preben Jensen, *et al.*

* Case No. SA13-cv-1095-DAE

Plaintiffs

v.

Judy Rollinger, *et al.*

Defendant

* * * * *

DEFAULT JUDGMENT

The Defendant, Judy Rollinger, having failed to plead or otherwise defend in this action, and default having heretofore been entered on July 7, 2014 by the Clerk of this Court;

AND upon application of Plaintiffs and upon affidavit of counsel that Defendant is indebted to Plaintiffs in the principal sum certain of \$96,000

And it appearing that Defendant Judy Rollinger has been defaulted for failure to appear pursuant to Rule 55(a) of the Federal Rules of Civil Procedure;

AND that the claim is for a sum certain which can by computation be made certain, it is hereby

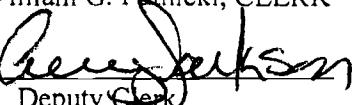
ORDERED, ADJUDGED, AND DECREED that Plaintiffs, Preben Jensen and Mary Jensen, recover of the Defendant, Judy Rollinger, the sum of \$96,000, plus costs and pre- and post-judgment interest.



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This judgment is entered by the Clerk at the request of Plaintiffs and upon affidavit that said amount is due, in accordance with Rule 55(b)(1) of the Federal Rules of Civil Procedure.

Mr. William G. Putnicki, CLERK

By: 

Deputy Clerk

United States District Court for the
Western District of Texas, San
Antonio Division

Dated: 8/4/14

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

Preben V. Jensen
Mary Jo Jensen

Plaintiffs/Garnishors;

V.

Bank of America Corporation, N.A.

and

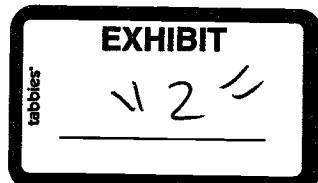
Edward D. Jones & Co, L.P.

Defendants/Garnishees

AFFIDAVIT OF PREBEN JENSEN

The undersigned affiant, Preben Jensen, under penalty of perjury, deposes and says:

1. I am over eighteen years of age and am competent to testify as to the matters here set forth.
2. I make this affidavit on the basis of my personal knowledge.
3. I am a plaintiff/garnishor in this lawsuit.
4. On August 4, 2014, the Court issued a Judgment in favor of me and my wife Mary Jo Jensen for the sum of \$96,000, plus costs and pre- and post-judgment interest, against Defendant Judy Rollinger, in Civil Action No. 5:13-cv-01095-DAE, styled *Jensen et al. v.*



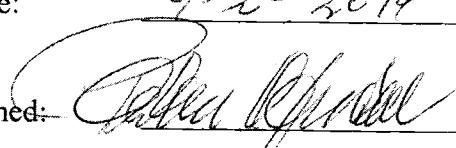
Rollinger et al., in the United States District Court for the Western District of Texas (“the Litigation).

5. The Judgment is valid and subsisting and remains unsatisfied.
6. Based on Judy Rollinger’s representations during the Litigation, Rollinger does not possess property in Texas subject to execution to satisfy the Judgment.
7. This garnishment action is not to injure or harass either the Judgment Debtor Judy Rollinger, or the Garnishees.
8. I have reason to believe, based on representations made by Garnishees in the Litigation, and I do believe, that Garnishees are indebted to Judgment Debtor Judy Rollinger

Date:

9-2-2014

Signed:


Preben Jensen

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

DEC 26 2013

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]*
DEPUTY CLERK

**PREBEN V. JENSEN and
MAY J. JENSEN**

Plaintiffs

v.

Civil Action No. 5:13-CV-01095-DAE

**JUDY ROLLINGER and
RICK KNIGHT**

Defendants

GARNISHEE'S ANSWER

Garnishee, Edward D. Jones & Co., L.P., is in possession of the following four accounts: (1) Single Brokerage Account #XXX-XX312-1-1 held for the benefit of Judy Ann Rollinger, Social Security Number, xxx-xx-1471, with, as of December 18, 2013, a total account value of \$11,081.13, all in cash; (2) Traditional Individual Retirement Account (IRA) #XXX-XX145-1-5 held for the benefit of Judy Ann Rollinger with, as of December 18, 2013, an estimated market value of \$54,584.49 comprised of shares of 2 mutual funds and \$270.89 in cash; (3) Traditional Individual Retirement Account (IRA) XXX-XX357-1-7 held for the benefit Judy Ann Rollinger with, as of December 18, 2013, an estimated market value of \$369,793.59 comprised of shares of 1 mutual fund, shares of 2 unit trusts, and \$6,238.13 in cash; and (4) Roth Individual Retirement Account (IRA) account #XXX-XX931-1-3 held for the benefit of Judy Ann Rollinger with, as of December 18, 2013, an estimated market value of \$12,590.47 comprised of shares of 3 mutual funds and \$308.08 in cash.

EXHIBIT

tables

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Following a reasonable search, Garnishee has not located any accounts for Rick Knight.

A copy of Garnishee's Answer and the Writ of Maritime Attachment and Garnishment have been sent to the client, Judy Rollinger.

Under penalty of perjury, I affirm that I have examined this answer and to the best of my knowledge and belief it is true, correct, and complete.

Executed on this 19th day of December, 2013.

Kim Swayne

Kim Swayne
Restricted Account Manager
130 Edward Jones Blvd.
St Louis, MO 63043

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

PREBEN V. JENSEN AND MARY J. JENSEN §
PLAINTIFF, §

VS. §

JUDY ROLLINGER AND RICK KNIGHT §
JUDGMENT DEFENDANT, §

AND §

BANK OF AMERICA CORPORATION §
GARNISHEE §

CIVIL ACTION NO. 5:13-CV-01095

ANSWER TO WRIT OF GARNISHMENT

TO THE HONORABLE JUDGE OF THIS COURT:

Bank of America Corporation, garnishee, files this original answer to the writ of garnishment issued December 11, 2013 and served on garnishee, and in answer shows the following:

I.

The writ was served on garnishee on December 12, 2013.

II.

On December 12, 2013, garnishee was not indebted to Judy Rollinger and/or Rick Knight, jointly or severally.

III.

On December 12, 2013, garnishee was not in possession of any effects belonging to Judy Rollinger and/or Rick Knight, jointly or severally.

IV.

Garnishee is aware that Bank of America, N.A. is indebted to Judy Rollinger. Garnishee is aware that Bank of America, N.A. in possession of safe deposit boxes belonging to Judy

Rollinger. Garnishee is aware that Bank of America, N.A. is indebted to Rick Knight. Garnishee is not aware of any other entity possessing effects belonging to Rick Knight.

V.

Garnishee has engaged an attorney-at-law to represent it in this proceeding. Garnishee will incur a reasonable attorney's fee, as well as costs. Garnishee believes that it is entitled to recover its fees and costs in accordance with Federal Rules of Civil Procedure 64 and 69, Texas Rules of Civil Procedure No. 677 and/or its banking agreement in effect between Garnishee and its customer. Bank of America Corporation requests without waiving the foregoing requests that this Court in its discretion, grant Bank of America Corporation its reasonable and necessary attorneys' fees incurred in defending this garnishment lawsuit. Bank of America Corporation is an innocent third party stakeholder to the funds. Bank of America Corporation is merely acting pursuant to this Court's order. Despite its position as an innocent party with no position as to its customer's (judgment debtor) or the Garnishee's right to the funds, Bank of America Corporation has been required to engage an attorney to represent it in this matter. Reasonable and necessary fees have been incurred and Bank of America Corporation requests that the Court grant it reasonable and necessary attorneys' fees and any other and further relief to which it may justly be entitled. In the event of an appeal to the Court of Appeals, garnishee would be further entitled to \$25,000.00 as a reasonable attorney's fee. In the event of an appeal to the Supreme Court, garnishee would be entitled to an additional \$35,000.00.

WHEREFORE, Bank of America Corporation requests:

1. That all claims to the funds be determined and adjudicated, and that garnishee be discharged from all liability to Preben V. Jensen, Mary J. Jensen, Judy Rollinger, and Richard Knight, respecting the funds.
2. That garnishee recover against Preben V. Jensen, Mary J. Jensen, Judy Rollinger, or

Rick Knight, as provided in the Federal and Texas Rules of Civil Procedure, costs and expenses, including reasonable attorney's fees.

3. For such other relief to which garnishee may show itself properly entitled.

Respectfully submitted,

By: /s/ Evan A. Moeller

Evan A. Moeller
State Bar No. 24051067

**ATTORNEY-IN-CHARGE FOR
BANK OF AMERICA CORPORATION**

OF COUNSEL:

HIRSCH & WESTHEIMER, P.C.
Bank of America Center
1415 Louisiana, 36th Floor
Houston, Texas 77002
Telephone: (713) 223-5181
Telecopier: (713) 223-9319

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VERIFICATION

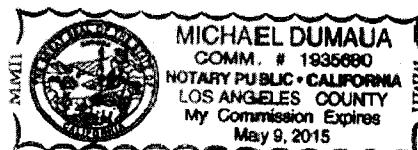
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

BEFORE ME, the undersigned Notary Public, on this day personally appeared Tranh Vong, who, being by me duly sworn on oath deposed and said that he is an Assistant Vice-President of Bank of America Corporation in the above-entitled and numbered cause; that he has read the above and foregoing Answer to the Writ of Garnishment; and that every statement contained in that document is within his personal knowledge and is true and correct.

Tranh Vong

SUBSCRIBED AND SWORN TO (OR AFFIRMED) BEFORE ME on this 6 day of
JANUARY, 2014, by Tranh Vong proved to me on the basis of satisfactory evidence to
be the person who appeared before me.

Seal:



Notary Public in and for the State of California

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of January, 2014, that a true and correct copy of the foregoing Answer to Writ of Garnishment was sent as certified mail, return receipt requested, to the following persons:

Todd Lochner
Lochner Law Firm, P.C.
182 Duke of Gloucester St.
Annapolis, MD 21401
VIA FACSIMILE (443) 716-4405

Wade Bryant Shelton
Shelton & Valadez, P.C.
600 Navarro, Suite 500
San Antonio, TX 78205
VIA FACSIMILE (210) 349-3666

Richard Knight
17710 Mantana Dr.
Spring, TX 77388-5044
CMRRR NO. 7012 1010 0000 1913 7917

/s/ Evan A. Moeller
Evan A. Moeller